

Notice of Allowability

Application No.

09/674,103

Examiner

Laura C Cole

Applicant(s)

ZIMMER, JOACHIM

Art Unit

1744

71

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01 December 2004.
2. ☒ The allowed claim(s) is/are 1 and 5-17.
3. ☒ The drawings filed on 26 October 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 12132004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Zborovsky on 13 December 2004.

The application has been amended as follows:

In the Claims:

Claim 1 Line 4 after "axle (16, 18, 20)" please insert - - for pivotal movement - -

Claim 1 Line 11 after "axes" found in the after final amendment please insert - - in a pivotal direction about the axle - -

Claim 1 Line 13 after "axes" found in the after final amendment please insert - - in a pivotal direction about the axle - -

Claim 16 Line 4 after "axle (16, 18, 20)" please insert - - for pivotal movement - -

Claim 16 Line 11 after "axes" found in the after final amendment please insert - - in a pivotal direction about the axle - -

Claim 16 Line 13 after "axes" found in the after final amendment please insert - - in a pivotal direction about the axle - -

Claim 17 Line 4 after "axle (16, 18, 20)" please insert - - for pivotal movement - -

Claim 17 Line 12 after "axes" found in the after final amendment please insert - - in a pivotal direction about the axle - -

Claim 17 Line 15 after "axes" found in the after final amendment please insert - -
in a pivotal direction about the axle - -

The following is an examiner's statement of reasons for allowance:

None of the prior art made of record includes an apparatus for securing a wiper arm including a drive lever connected to a drive shaft and a steering lever connected to an axle for pivotal movement, which are pivotally connected to a wiper lever wherein the lever is braced on the bearing shoulder on the axle, the steering lever is braced on the bearing shoulder via a disk, and the disk is in non-positive engagement with the axle so that the disc and axle do not overlap each other in a plane transverse to their axes in a pivoting direction about the axle, and in positive engagement with the steering lever so that the disc and steering lever overlap each other in a plane transverse to their axis.

The definitions outlining the Applicant's definition for "positive" and "non-positive" engagement can be found on Page 5 of the Applicant's specification and the Figures, especially Figure 2 that displays a disc with facets that engage corresponding walls of a lever, so that in a pivoting direction the disc and lever will overlap each other in a plane transverse to their axes. In the same respect, the disc and the axle engage in such a way so that in a pivoting direction, the disc and axle will not overlap each other in a plane transverse to the axes.

DE 44 28 371 has a similar structure to the Applicant's invention, however the disc fits the axle in a "positive" manner and the lever in a "non-positive" manner. It would not have been obvious to one skilled in the art to reverse that parts since that

there is not any motivation made clear in '371 to have the portion "22" and the inner side of "12" shaped in such a way so that in a pivoting direction that the disc and axle will not overlap each other.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

ROBERT J. WARDEN, SR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LCC

LCC
13 December 2004



ROBERT J. WARDEN, SR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700